***

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 6526 of 2007
Date of decision: 17. 12. 2007

Harish Chander Mishra **...Petitioner**

Versus

Som Dutt Sharma and others **...Respondents**

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Naresh Kaushik, Advocate for the petitioner.

****

RAJESH BINDAL, J.

Prayer made in the present petition filed under Article 227 of the Constitution of India is for setting aside the order dated November 21, 2007 whereby the evidence of the plaintiff has been closed by order of the Court.

For the view I am taking in the present petition, I do not deem it appropriate to issue notice to the respondents/plaintiffs as the same would unnecessarily delay not only disposal of the present petition but the suit as well.

The proceedings arise out of an order passed by the Court below in a suit filed by the petitioner-plaintiff for permanent injunction restraining respondent-defendants from interfering with the possession, title and management of the plaintiff over the agricultural land in dispute. The Court below closed the evidence of the plaintiff being last opportunity.

Learned counsel for the petitioner-plaintiff submitted that only one opportunity i.e. on August 7, 2007 was afforded to lead evidence and last opportunity was given for November 21, 2007. Even on the date fixed, i.e. November 21, 2007 when the impugned order closing the evidence of petitioner-plaintiff was passed, examination-in-chief of one PW was recorded and his cross examination was deferred for January 7, 2008. Learned counsel for the petitioner further submitted that even application

***

under Order 1 Rule 10 of the Code of Civil Procedure for impleading parties is also pending consideration. He submits that in case one opportunity is granted, he will complete his entire evidence on the date already fixed for cross examination of PW.

Having heard learned counsel for the petitioner, I find merit in the submissions made by learned counsel for the petitioner-plaintiff. Keeping in view the interest of justice and the fact that petitioner-plaintiff was making efforts to lead evidence and even on the date fixed examination-in-chief of one witness was recorded, I deem it appropriate to grant another opportunity to the petitioner-plaintiff to complete his entire evidence on the date already fixed i.e. January 7, 2008. However, the same shall be subject to payment of Rs. 2000/- as costs to the respondents-defendants. The petitioner will be at liberty to take help of the Court to summon the witnesses. However, it is made clear that no further opportunity shall be granted to the petitioner-plaintiff in case, he fails to complete his entire evidence on the date fixed.

The petition is disposed of in the manner as indicated above.

December 17 2007 **(Rajesh Bindal)**
Pka **Judge**